

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Wayne Vick

)

)

)

Case No: 5:12-CR-75-1D

)

USM No: 11258-056

Date of Original Judgment: December 11, 2012

)

Date of Previous Amended Judgment: _____

)

Robert Waters

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____

The amendment is applicable to the defendant, but does not lower the advisory guideline range. At Vick's sentencing hearing, the court calculated Vick's total offense level to be 41, his criminal history category to be IV, and his advisory guideline range to be 360 months' to life imprisonment. See PSR [D.E. 37].

Under Amendment 782, Vick's total offense level is 39, his criminal history category is IV, and his advisory guideline range is still 360 months' to life imprisonment. Thus, Vick is not eligible for a reduction. If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated December 11, 2012, shall remain in effect. **IT IS SO ORDERED.**

Order Date: 5/8/18

James C. Dever III
Judge's signature

Effective Date: _____
(if different from order date)

James C. Dever III Chief U.S. District Judge
Printed name and title